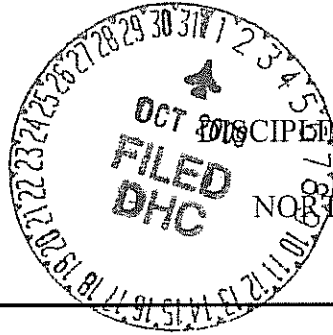


WAKE COUNTY
NORTH CAROLINA



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
09 DHC 23

THE NORTH CAROLINA STATE BAR
Plaintiff

v.

JOHN S. AUSTIN, Attorney

Defendant

ANSWER

The Defendant, by and through counsel, answering the Complaint of the Plaintiff, alleges and says as follows:

1. The allegations contained in paragraph 1 of the Complaint are admitted.
2. The allegations contained in paragraph 2 of the Complaint are admitted.
3. The allegations contained in paragraph 3 of the Complaint are admitted.
4. The allegations contained in paragraph 4 of the Complaint are admitted.
5. The allegations contained in paragraph 5 of the Complaint are admitted.
6. The allegations contained in paragraph 6 of the Complaint are admitted.
7. The allegations contained in paragraph 7 of the Complaint are admitted.
8. The allegations contained in paragraph 8 of the Complaint are admitted.
9. The allegations contained in paragraph 9 of the Complaint are admitted.
10. The allegations contained in paragraph 10 of the Complaint are admitted.
11. The allegations contained in paragraph 11 of the Complaint are admitted.
12. The allegations contained in paragraph 12 of the Complaint are admitted.

13. The allegations contained in paragraph 13 of the Complaint are admitted.
14. The allegations contained in paragraph 14 of the Complaint are admitted.
15. The allegations contained in paragraph 15 of the Complaint are admitted.
16. The allegations contained in paragraph 16 of the Complaint are admitted.

THEREFORE, IN RESPONSE TO PLAINTIFF'S CLAIM FOR RELIEF AGAINST THE DEFENDANT, DEFENDANT ALLEGES THE FOLLOWING:


Defendant, in answering Plaintiff's Claim for Relief, reiterates the answers contained hereinabove in paragraphs 1 through 16 and acknowledges a violation of Rule 8.4 (c) of the Rules of Professional Conduct. Defendant denies any violation of Rules 8.4 (a) and (b) of the Rules of Professional Conduct.

WHEREFORE, having stated his Answer to the Complaint, Defendant prays the Disciplinary Hearing Committee as follows:

1. That the Disciplinary Hearing Committee convene to determine what discipline is warranted for the Rule violations admitted herein.

RESPECTFULLY SUBMITTED, this the 1st day of October, 2009

CHESHIRE, PARKER, SCHNEIDER
BRYAN & VITALE



Alan M. Schneider
State Bar Number 17591
133 Fayetteville Street, Suite 500
Post Office Box 1029
Raleigh, North Carolina 27602
Telephone: (919) 833-3114
Facsimile: (919) 832-0739

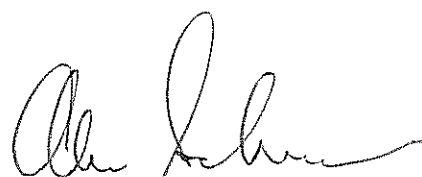
Attorney for Defendant

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing Answer was
HAND-DELIVERED to the following:

Root Edmonson
Deputy Counsel
North Carolina State Bar
208 Fayetteville Street
Raleigh, North Carolina 27601

This the 1st day of October, 2009.



Alan M. Schneider